

REMARKS

Claims 1-14 are pending in the application. Claims 1-14 stand rejected. Claim 1 is an independent claim.

Claims 1, 4, 6, and 8-11 are amended altering the functional language contained in the claims to structural language. The Applicant respectfully submits that each claim, as amended, is supported by respective original claims.

In addition, the Applicant amends claim 11 to further clarify the second isolator of the claim. The support for the claim 11 can be found in the specification at page 11, line 16-17.

Claim 1 stands rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for allegedly failing to recite a structural feature of the first amplifying section. In response, the Applicant amends claim 1 to recite “a filter configured... reflect a portion of the first band optical signal to the second optical path.” The Applicant believes that claim 1, as amended, complies with the requirement of 35 U.S.C. 112, second paragraph. As such, the Applicant respectfully requests withdrawal of the rejection.

Claim 5 stands rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. According to the Office Action, claim 5 should recite “the portion of the first band optical signal reflected by the filter.”

In response, the Applicant amends claim 5 to recite “the portion of the first band optical signal reflected by the filter is a non-uniform portion in the gain spectrum,” as noted in the Office Action. The Applicant respectfully requests withdrawal of the rejection.

Claim 7 stands rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to provide a proper antecedent basis for the “fifth wavelength division multiplexing optical coupler.” In response, the Applicant amends claim 7 to recite “a second

wavelength division multiplexing optical coupler.” The Applicant believes that claim 7, as amended, complies with the requirement of 35 U.S.C. 112, second paragraph, and the Applicant respectfully requests withdrawal of the rejection.

Claim 9 stands rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. In response, the Applicant amends claim 9 to recite “the first isolator configured to intercept an Amplified Spontaneous Emission output from the first erbium-doped optical fiber.” The support for the first isolator can be found in the specification, at page 10, line 11-12. The Applicant believes that claim 9, as amended, complies with the requirements of 35 U.S.C. 112, second paragraph. The Applicant respectfully requests withdrawal of the rejection.

Claim 10 stands rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to provide a proper antecedent basis for the “third” pumping light. In response, the Applicant amends the “third pumping light” recited in claim 10 to the “second pumping light.” The Applicant respectfully submits that claim 10, as amended, complies with the requirements of the 35 U.S.C. 112, second paragraph. The Applicant respectfully requests withdrawal of the rejection.

Claim 1 stands rejected under 35 U.S.C. 102(b), as allegedly being anticipated by Srivastava *et al.* (U.S. 6,049,418).

Claim 1 recites, *inter alia*, “a first amplifying section including... a filter configured to gain-flatten the amplified first-band optical signals and to reflect a portion of the first band optical signal to the second optical path.”

The United States Court of Appeals for the Federal Circuit held that a claim is not anticipated unless a single prior art reference sets forth each and every feature recited in a claim (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed.

Cir. 1987)), including that in **functional language** (*In re Schreiber*, 128 F.3d 1473, 1478, 44 USPQ.2d 1429 (Fed. Cir. 1997)).

Srivastava, as read by the Applicant, discloses a split band structured amplifier, where the amplifier comprises a plurality of optical fiber amplifying sections. According to Srivastava, some of the disclosed amplifying sections contain a gain flattening filters 22 and 23 (FIG. 1). However, none of the amplifying sections contains “a filter configured to gain-flatten the amplified first-band optical signals and to reflect a portion of the first band optical signal to the second optical path,” as recited in claim 1.

As such, Srivastava does not set forth each and every feature of claim 1, and claim 1 is not anticipated by Srivastava. The Applicant respectfully requests withdrawal of the rejection.

In addition, claim 1 recites a wideband erbium-doped optical fiber amplifier, where “the reflected first-band optical signal[, the signal reflected from the filter] pumps the second erbium-doped optical fiber.”

Srivastava, however, does not set forth or anticipate a split band structured amplifier where a light reflected from one of the filters contained in the amplifier pumps an optical fiber (see FIG 1). Accordingly, Srivastava discloses an optical amplifier that is different from that recited in claim 1. Srivastava does not set forth or anticipate a wideband erbium-doped optical fiber amplifier, where “the reflected first-band optical signal[, the signal reflected by the filter] pumps the second erbium-doped optical fiber,” as recited in claim 1.

As such, the Applicant respectfully requests withdrawal of the rejection on claim 1.

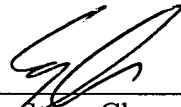
Amendment
Serial No. 10/674,102

Other claims in this application are each dependent on the independent claim 1 and believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

Steve Cha
Registration No. 44,069


By: Steve Cha
Attorney for Applicant
Registration No. 44,069

Date:


8/1/06

Mail all correspondence to:
Steve Cha, Registration No. 44,069
Cha & Reiter
210 Route 4 East, #103
Paramus, NJ 07652
Tel: 201-226-9245
Fax: 201-226-9246

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 8-7-06.

Steve Cha, Reg. No. 44,069
(Name of Registered Rep.)


(Signature and Date)